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RECENT CASE NOTES

ALIEN ENEMIES—NATURALIZATION—"APPLICATION."—U. S. Rev. St. sec. 2171 (Comp. St. 1916, sec. 4362), first enacted in 1802 (Act April 14, 1802, ch. 28, 2 Stat. 153) declares that no alien who is a native citizen or subject or a denizen of any country with which the United States is at war "at the time of his application" shall then be admitted to citizenship in the United States. By the Act of June 29, 1906, c. 3592, 34 Stat. 596 (Comp. St. 1916, sec. 4362) the naturalization law was changed and aliens were for the first time required to file a petition for citizenship, and ninety days' notice of such petition had to be given before final hearing thereon in open court. The applicant was a German citizen. War was declared between the filing of his petition and the date set for final hearing. *Held*, that the final appearance of the applicant in open court and not the filing of the petition should be regarded as the "application" referred to in the act of 1802, and the applicant must be denied admission. *In re Naturalization of Subjects of Germany* (1917, E. D. Wis.) 242 Fed. 971.

See, in accord, *Ex parte Borchardt* (1917, E. D. S. C.) 242 Fed. 1006; *In re Haas* (1917, N. D. Tex.) 242 Fed. 739; *In re Jonasson* (1917, D. C. Md.) 241 Fed. 723. But see, *contra*, *United States v. Meyer* (1917, C. C. A. 2d) 241 Fed. 305, Hough, J., *dissenting*; *In re Nannanga* (1917, S. D. Ga.) 242 Fed. 737; *In re Kreuter* (1917, S. D. Cal.) 241 Fed. 985. The principal case would seem to represent the better view. The apparent purpose of the statute being to protect the United States against the admission of persons whose loyalty might be doubtful, it should be strictly construed in favor of the Government.

ALIEN ENEMIES—RIGHT TO SUE.—The resident manager (erroneously assumed by the court to be a German) of a domestic corporation, practically all of whose stock was owned by a German corporation, brought suit on behalf of himself and with power of attorney to represent the German majority stockholders for an injunction against the two American directors, charging them with deliberately seeking to wreck the corporation. A motion was made to stay the prosecution of the suit on ground that plaintiffs were alien enemies. *Held*, that the suit might be maintained, since the tolerance implied in the President's proclamation assuring German residents that they would be undisturbed in the peaceful pursuit of their occupations, and his statement that the sins of the German Government "ought not to be visited on" the German people, were a declaration of public policy, by which policy the courts were bound. *Posselt v. D'Espard* (1917, N. J. Ch.) 100 Atl. 893. See COMMENTS, p. 104.

ALIEN ENEMIES—RIGHT TO SUE—DOMESTIC CORPORATION WITH GERMAN STOCKHOLDERS.—The plaintiff was a New Jersey corporation. Of its capital stock of 50 shares, 45 were owned by a German corporation, 2 by a German subject, 2 by American citizens, and 1 by an Austrian subject who